

Nos. 24-1587, 24-1588

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

TQ DELTA, LLC,

Plaintiff-Appellant,

v.

COMMScope HOLDING COMPANY INC., COMMScope INC., ARRIS INTERNATIONAL
LIMITED, ARRIS GLOBAL LTD., ARRIS US HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., ARRIS ENTERPRISES LLC,

Defendants-Cross-Appellants.

AVAGO TECHNOLOGIES INTERNATIONAL SALES PTE. LIMITED, BROADCOM
INCORPORATED, BROADCOM CORPORATION,

*Defendants / Third-Party
Plaintiffs / Counterclaimants.*

Appeal from the United States District Court for the Eastern District of Texas
Case No. 2:21-cv-00310, Judge J. Rodney Gilstrap

**CROSS-APPELLANTS' UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE PRINCIPAL AND RESPONSE BRIEF**

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August 15, 2024

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Counsel for Cross-Appellants

Pursuant to Federal Circuit Rule 26(b), Defendants-Cross Appellants CommScope Holding Company Inc., CommScope Inc., ARRIS International Limited, ARRIS Global Ltd., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., ARRIS Enterprises LLC (collectively, “CommScope”) respectfully request a 61-day extension of time within which to file their principal and response brief. The brief is currently due on August 28, 2024; a 60-day extension would make the due date Sunday, October 27, 2024, so CommScope requests an extension to Monday, October 28, 2024. Counsel for Plaintiff-Appellant TQ Delta, LLC has stated that TQ Delta does not oppose the requested extension and will not file a response. This is CommScope’s first request for an extension of time.

As explained in the accompanying declaration, good cause exists for the requested extension. This appeal involves a voluminous jury-trial record in a case in which multiple patents and claims are at issue, and appellate counsel for CommScope was not trial counsel. Significant time is necessary for counsel to familiarize themselves with the issues and the record.

In addition, as explained in the declaration, appellate counsel for CommScope have had and will continue to have competing deadlines in other matters, including: a jury trial in California state court from July 19 to 23, oral argument on dispositive motions in California state court on July 24 and in the

Northern District of California on July 29, an *amicus* brief due in the Supreme Court on September 3, a deposition to be taken on September 8, a *Markman* hearing in the Northern District of California on September 9, an oral argument in the Ninth Circuit on September 10, a reply brief due in the Ohio Supreme Court on September 11, a reply brief due in the Third Circuit on September 19, a reply supporting a petition for inter partes review due on September 20, a petition for certiorari due in the Supreme Court on October 10, and a trial in California state court beginning on October 18. Lead appellate counsel also had a long-planned family vacation abroad from July 30 to August 11.

These commitments have interfered and will interfere with the preparation of CommScope's principal and response brief in this appeal. The requested extension is necessary to ensure that counsel have sufficient time to prepare the brief.

For the foregoing reasons, CommScope respectfully requests a 61-day extension of time within which to file its opening brief, to and including October 28, 2024.

/s/ Brett M. Schuman

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Dated: August 15, 2024

Counsel for Cross-Appellants

CERTIFICATE OF INTEREST

Undersigned counsel for Cross-Appellants certifies as follows:

1. The full name of every entity represented by undersigned counsel is:

CommScope Holding Company Inc., CommScope Inc., ARRIS International Limited, ARRIS Global Ltd., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., ARRIS Enterprises LLC

2. The name of the real party in interest for the entities is:

Vantiva SA

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the entities are:

CommScope Technologies LLC; CommScope Inc. of North Carolina

4. The names of all law firms and the partners or associates that appeared for the entities in the trial court or agency or are expected to appear in this court (and who have not entered an appearance) are:

Alston & Bird LLP: Adam Bertram Ahnhut, Ross Ritter Barton, Erin Beaton, Kirk T Bradley, Katherine Donald, Stephen Richard Lareau, Nicholas Christopher Marais, Mary Isabelle Riolo, Katherine Grayce Rubschlager, Matthew Scott Stevens, Darlena Subashi, Karlee Wroblewski

Findlay Craft, P.C.: Eric Hugh Findlay

The Dacus Firm, PC: Deron R Dacus

Winston & Strawn LLP: Michael Brett Johnson, William Mitchell Logan, Rex Andrew Mann, Matthew R McCullough, Thomas M Melsheimer, Marisa Thompson, Emily Wilkinson, Elizabeth Danielle Thompson Williams

Goodwin Procter LLP: Amadou Kilkenny Diaw, Douglas J Kline, Christie Larochelle, Kathleen McGuinness, Lana Svetlana Shiferman, Amanda E Stephenson, Rachel Walsh

Crowell & Moring: Craig Lytle

- 5. The title and number of any case known to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal:**

TQ Detla, LLC v. 2Wire, Inc., No. 13-cv-1835-RGA, U.S. District Court for the District of Delaware

- 6. Organizational victims and bankruptcy cases:**

N/A.

/s/ Brett M. Schuman
Brett M. Schuman

DECLARATION OF BRETT M. SCHUMAN

I, Brett M. Schuman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner in the law firm of Goodwin Procter LLP. I am the lead counsel for Defendants-Cross Appellants CommScope Holding Company Inc., CommScope Inc., ARRIS International Limited, ARRIS Global Ltd., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., ARRIS Enterprises LLC (collectively, “CommScope”) on this appeal.

2. I submit this declaration, pursuant to Fed. Cir. R. 26(b)(3), in support of CommScope’s motion for a 61-day extension of time, to and including October 28, 2024, to file its principal and response brief.

3. TQ Delta’s opening brief was filed, after a 60-day extension, on July 19, 2024. I was in the middle of a jury trial in California state court on July 19, 2024.

4. The current due date for CommScope’s principal and response brief is August 28, 2024.

5. This is CommScope’s first request for an extension of time.

6. This appeal involves a voluminous jury-trial record in a case in which multiple patents and claims are at issue. Neither I nor my law firm was trial counsel in this case. Significant time is necessary for appellate counsel to familiarize ourselves with the issues and the record.

In addition, deadlines in several other ongoing matters have made it difficult to prepare CommScope's brief without the benefit of the requested extension. I am lead counsel in a jury trial in California state court that was ongoing on July 19 and continued through July 23; I am back in court for another phase of the trial in that case on August 16; I presented oral argument on dispositive motions in California state court on July 24 and in the Northern District of California on July 29; and I will be arguing a *Markman* hearing in the Northern District of California on September 9. I also had a long-planned family vacation abroad from July 30 to August 11. Other appellate counsel for CommScope have the following additional deadlines and conflicts: an *amicus* brief due in the Supreme Court on September 3, a deposition to be taken on September 8, an oral argument in the Ninth Circuit on September 10, a reply brief in the Ohio Supreme Court on September 11, a reply brief in the Third Circuit on September 19, a reply supporting a petition for inter partes review due on September 20, a petition for certiorari due in the Supreme Court on October 10, and a trial in California state court beginning on October 18.

7. On August 14, 2024, TQ Delta, LLC's counsel advised that TQ Delta does not oppose the requested extension.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 15, 2024.

/s/ Brett M. Schuman
Brett M. Schuman

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2024, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Federal Circuit using the Court's CM/ECF system. Counsel for all parties to this case are registered CM/ECF users and will be served by the CM/ECF System.

/s/ Brett M. Schuman
Brett M. Schuman

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f) and Federal Circuit Rule 27(d), it contains 405 words.

This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-scale requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared using Microsoft 2016 in 14-point Times New Roman, a proportionally spaced typeface.

August 15, 2024

/s/ Brett M. Schuman
Brett M. Schuman